

# EXHIBIT 2

**RICHARD ROGERS vs BNSF RAILWAY COMPANY**

**Confidential**

**Chuck Burriss on 12/10/2020**

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1 BY THE WITNESS:

2 A. Yes.

3 MR. GERBIE: Okay. I would like to  
4 take a short break just to see if I have  
5 any other questions and review a few  
6 documents, so why don't we take 10 minutes.  
7 3:25.

8 MS. HERRINGTON: Okay. 3:25 is  
9 fine.

10 (A short break was had.)

11 MR. GERBIE: Mr. Burriss, at this  
12 time, I don't have any other questions for  
13 you. I want to thank you so much for your  
14 time today.

15 MS. HERRINGTON: I just have a few  
16 questions, just for a couple minutes.

17 CROSS-EXAMINATION

18 BY MS. HERRINGTON:

19 Q. Mr. Burriss, we talked a lot about  
20 the AGS at some of BSNF's intermodal facilities  
21 today. Which company owns and operates the AGS  
22 systems, REMPREX or BNSF?

23 A. That would be REMPREX.

24 Q. REMPREX operates the AGS both in  
25 Illinois and outside of Illinois; is that

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1 right?

2 A. That's correct, about 7 different  
3 states that encompasses 13 of our facilities.  
4 Those facilities are our largest, so when we  
5 look at it, really, it covers 90 percent of our  
6 gate activity in terms of the process.

7 So the REMPREX AGS process is in  
8 place and handles 90 percent of our gate  
9 transactions on an annual basis, which is, you  
10 know, what's desired from our customers to have  
11 standardized processes when they visit a BNSF  
12 terminal. And the facilities that don't have  
13 are -- as mentioned, just from a scale  
14 perspective, some are limited on the capability  
15 to implement an AGS system similar to the  
16 REMPREX model or another based on space  
17 constraints.

18 Q. AGS systems that REMPREX owns and  
19 operates, are they generally operated the same?

20 A. Yeah. The process is the same for  
21 REMPREX AGS; the layout may be different. You  
22 may have more or less portals or kiosks. You  
23 may have a different process as far as the --  
24 what we call a dual portal that would allow  
25 truckers to use the same portal for in-gate or

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1    an out-gate transaction just based on space  
2    constraints of the facility, but, yes, from  
3    information required by the REMPRES system,  
4    they are standard.

5            Q.     Does BNSF collect any type of finger  
6    scan information or alleged biometrics from any  
7    truckdrivers in Illinois?

8            A.     No, we do not.

9            Q.     Does BNSF obtain or capture any type  
10   of finger scan information or alleged  
11   biometrics from any truckdriver in Illinois?

12          A.     No, we do not.

13          Q.     To your knowledge, does BNSF possess  
14   any type of finger scan information or alleged  
15   biometrics from any truckdrivers in Illinois?

16          A.     No.

17          Q.     To your knowledge, since at least  
18   2010 or earlier, has this been true?

19          A.     Yes.

20          Q.     And since the system started, to  
21   your knowledge, has this been true?

22          A.     Yes.

23          Q.     Does BNSF have any access to the  
24   finger scan information that REMPRES collects  
25   or captures from truckdrivers in Illinois?

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1 it's delivered.

2 So for our customers, it's very  
3 important to be aware of who delivered and who  
4 departed that unit from our facility and that  
5 we are making -- we are releasing that freight  
6 to the proper authorized driver so -- as well  
7 as just who was on our facilities. So access  
8 to our facilities, who has visited, and what  
9 time frame they were on the facility is also  
10 important to us and our customers in terms of  
11 security.

12 Q. Why is verifying the identity of a  
13 truckdriver part of the AGS system that REMPREX  
14 owns and operates?

15 A. That's to replace the previous  
16 manned version of verifying a driver's license,  
17 so it was -- it was the program process that  
18 REMPREX provided to identify -- accurately  
19 identify drivers entering or exiting our  
20 facility.

21 Q. Is it your understanding that  
22 REMPREX's use of the finger scan is for REMPREX  
23 to verify the drivers' identity that arrives at  
24 the intermodal facilities in Illinois?

25 A. That's correct.

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1 Q. And that's done for security,

2 correct?

3 A. Correct.

4 MS. HERRINGTON: That's all I have.

5 Thank you. Thanks, David.

6 MR. GERBIE: We would like to take a  
7 couple minutes to discuss, and I might have  
8 just a couple follow-ups for Mr. Burriss.

9 MS. HERRINGTON: Okay.

10 MR. GERBIE: Okay. So why don't we  
11 say 3:37.

12 (A short break was had.)

13 REDIRECT EXAMINATION

14 BY MR. GERBIE:

15 Q. Mr. Burriss, you just testified that  
16 REMPREX owns the AGS systems at BNSF's  
17 facilities in Illinois, correct?

18 A. Correct.

19 Q. What's your basis for that?

20 A. My basis for that is just the  
21 knowledge I have that we contracted for a gate  
22 system through REMPREX, and through the  
23 agreement with the third-party vendor, they  
24 provided us this gate system to control the  
25 access and egress to our facilities. I'm not